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CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

CHAPTER 13

GENTIL JOSE FERREIRA
DILZA FERREIRA

CASE NO. 12-43377 MEH 13

Debtors,

**TRUSTEE'S OBJECTION TO ATTORNEYS'
APPLICATION FOR ADDITIONAL FLAT
FEE FOR MOTION TO AVOID JUDICIAL
LIEN**

Martha G. Bronitsky, Chapter 13 Standing Trustee ("Trustee"),
objects to attorney's Application for Additional Flat Fee for Motion
to Avoid Judicial Lien.

The Trustee also requests that the Court take judicial notice of
its own records in the case herein in support of the facts set forth
below. Fed.R.Evid. 201.

1 ATTORNEY ONLY PERMITTED \$1,500 FLAT FEE FOR MOTIONS TO AVOID LIENS

2 PURSUANT TO 11 U.S.C. §506

- 3 1. This case was filed on April 17, 2012 and the Debtors are
4 represented by Max Cline.
- 5 2. The Debtors obtained an order avoiding Discovery Bank's judicial
6 lien on July 9, 2012. (Doc. #38).
- 7 3. The Application for Additional Fees requests \$1,500 for the order
8 on the motion to avoid Discovery Bank's judicial lien. (Doc.
9 #47).
- 10 4. The Oakland Division Guidelines ("Guidelines") allow an
11 additional \$1,500 flat fee for orders on motions to value liens
12 pursuant to 11 U.S.C. §506.
- 13 5. The Guidelines do not permit an additional flat fee for motions
14 to avoid judicial liens pursuant to 11 U.S.C. §522.
- 15 6. There is no evidence to support the conclusion that an additional
16 flat fee is permitted for §522 motions based solely on the fact
17 that the Rights and Responsibilities states that motions to avoid
18 liens may be filed "where appropriate" and that the Guidelines
19 allow the flat fee for §506 motions.
- 20 7. In the absence of a specific rule or Guideline allowing an
21 additional flat fee for judicial liens, the attorney must file a
22 fee application detailing all the work performed from the
23 beginning of the case.
- 24 8. The application should be denied because allowing a flat fee for
25 this §522 motion would set a precedent for other cases that goes
26 beyond what is permitted in the Guidelines.
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RESPECTFULLY SUBMITTED

/s/Martha G. Bronitsky 5909
Martha G. Bronitsky, Esq.
Chapter 13 Standing Trustee